



## **MINUTES**

**Of A**

### **REGULAR COUNCIL MEETING**

**June 13, 2013**

The City Council of the City of Longview, Texas, met in a Regular Session, June 13, 2013, at 5:30 P.M. in the Council Chambers of the Jo Ann Metcalf Municipal Building. Mayor Jay Dean presided.

Members present were:

Jay Dean  
John Sims  
Gary Smith  
Kasha Williams  
Wayne Frost

Members absent were:

Richard Manley

Sidney Allen

Staff members present were:

David Willard, City Manager  
Chuck Ewings, Assistant City Manager  
Mary Ann Miller, Assistant to the City Manager  
Shelly Ballenger, City Secretary  
Jim Finley, City Attorney  
Kevin Cummings, Director of Development Services  
Keith Bonds, Director of Public Works  
Laura Hill, Director of Community Services  
Karri Hyko, Director of Human Resources  
J.P. Steelman, Fire Chief  
Don Dingler, Police Chief

**I. Call to Order** – Mayor Jay Dean called the meeting to order.

**II. Invocation** – Pastor Ken Davis of Fellowship Baptist Church in Kilgore gave the invocation.

**III. Pledge of Allegiance** – Pastor Ken Davis of Fellowship Baptist Church in Kilgore led the pledge of allegiance.

**IV Citizen Comment**

Donald Webb, 217 Millie Street – Mr. Webb spoke about sins, welfare, Obamacare, and South Longview.

Karen Maines, 2108 Wainwright Court – I am kind of excited today. I just want to thank the City Council and the City staff and Mr. Willard for moving forward with our comprehensive plan and bringing forth the Freese and Nichols group tonight to be considered to plan it. Nine years on Planning and Zoning and when we started back in 2002, we adopted the Future Land Use map. This is not a Longview that exists anymore. Over the nine years that I worked with Planning and Zoning and was honored to work on other task forces for the City, it got increasingly frustrating to work with this map and our zoning Ordinances as they got older and more outdated. Then 2008 comes and there is no money to fix it. Michael Shirley and Angela Choy and I tried to put some things together on our own time and thank God for them. We are moving forward and I just wanted to say thank you for that. I hope you will consider me helping with that and please vote yes for the Freese and Nichols Incorporation. Thank you.

**V. Presentation Item**

**Presentation of the I-20 Corridor Task Force final report –**

Dr. Dale Lunsford, Task Force Chair: Thank you Mr. Mayor and Council. It's good to be here. Thank you for all you do for the City of Longview. I have a presentation that I am fortunate to present on behalf of what was an outstanding group of folks. The Mayor appointed Task Force members are: Dale Lunsford, Chair; Robert Crawley; Joycelyne Fadojutimi; Sam Forester; Craig Jaynes; Branden Johnson; Kurt Kogler; Pete Lamothe; Andrea Mayo, and Brad Tidwell.

I would like to give a special shout out to Mr. Willard and Ms. Williams who were at all of our meetings and helped us tremendously as we were going about all of our work.

I want to say what is obvious to everybody that this first impression of Longview, Texas is the "Wrongview of Longview". That is the number one thing that this task force has to report to you tonight. Longview is an attractive community and is a community of friendly people. It has enjoyed a strong, vibrant economy, even during this downturn. We sit in the most beautiful region in the most attractive state. Yet if you arrive here by automobile on the Interstate, by air, or by Amtrak your first impression of our community is none of those things. This is our entry point to economic development throughout our community.

The task force observations on the existing conditions are: the I-20 entryway to Longview is a negative first impression; little of I-20 is within the Longview city limits; significant opportunities for economic development currently exist; significant roadblocks to future development must be removed; no coordinated redevelopment efforts are underway; existing code and code enforcement is inadequate; and marketing the unique opportunities of the corridor is needed.

The task force recommendations to the Longview City Council are: remove and redevelop the former hotel at I-20 and Estes Parkway; improve the city's visibility along I-20; consider location and size when evaluating feasibility of I-20 Hotel/City Conference Center; create a small area plan to guide development and redevelopment; a destination retail/entertainment district is desired; develop a Sabine River urban recreation area; and long term development of I-20 frontage.

In conclusion, my mom told me once upon a time, you only get one opportunity to make a first impression. This is really what we are talking about tonight. Will we, as a city, take full advantage of this first impression that we are going to get. Thank you very much.

Mayor Dean: You've presented this in such a way that it is very easy to see. You pointed out areas that have been forgotten. We are struggling with trying to find ways to address that issue. What we have heard tonight is very clear. I hope to report back to you and to the community in the very near future about some things we are working on. I would also ask that the City Manager consider these recommendations as we are now moving into the budget process for the next fiscal year. Thank you very much.

Council Member Williams: I just wanted to again say thank you to you for chairing. We are all so thrilled with Dr. Lunsford. It takes commitment. I saw commitment in action and I appreciate that. You are to be applauded as well as all the members of the task force. Thank you.

Council Member Allen: I just wanted to say thank you to Dr. Lunsford for a wonderful presentation. It was a professional and thorough presentation. I really like the catchphrase "This is the Wrongview of Longview" and I will carry it with me. Thank you and we will try our best to move forward.

## **VI. Consent Agenda**

### **A. Consider a Resolution accepting the “Mulch Processing Center Improvements” project and authorizing final payment in the amount of \$9,415.00 to Haltom Construction of Marshall, Texas –**

Keith Bonds, P.E. Director of Public Works, asked the Council to consider a Resolution accepting the “Mulch Processing Center Improvements” project and authorizing final payment in the amount of \$9,415.00 to Haltom Construction. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to Haltom Construction on December 13, 2012 in the amount of \$104,150.00. The final construction cost is \$94,150.00.

This project provided for the clearing and grading of 15 acres for use as a compost site located at the south end of Swinging Bridge Road..

The project has been completed in accordance with the contract. Staff recommends acceptance of the project and approval of final payment.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED “MULCH PROCESSING CENTER IMPROVEMENTS”; AUTHORIZING AND APPROVING FINAL PAYMENT TO HALTOM CONSTRUCTION FOR THE COMPLETION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4623 appears in the Resolution and Ordinance records of the City of Longview.

**B. Consider a Resolution accepting the "Intercity Bus Passenger Terminal Longview Transit" project and authorizing final payment in the amount of \$9,654.40 to Casey Slone Construction of Marshall, Texas –**

Chuck Ewings, Assistant City Manager, asked the Council to consider a Resolution accepting the "Intercity Bus Passenger Terminal - Longview Transit" project and authorizing final payment in the amount of \$9,654.40 to Casey Slone Construction. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to Casey Slone Construction on December 13, 2012 in the amount of \$96,544.00. The final construction cost is \$96,544.00.

This project provided for the renovation of an existing building for use as a bus passenger area.

The project has been completed in accordance with the contract. Staff recommends acceptance of the project and approval of final payment.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED "INTERCITY BUS PASSENGER TERMINAL - LONGVIEW TRANSIT"; AUTHORIZING AND APPROVING FINAL PAYMENT TO CASEY SLONE CONSTRUCTION FOR THE CONSTRUCTION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4624 appears in the Resolution and Ordinance records of the City of Longview.

**C. Consider a Resolution approving and adopting rate schedule RRM- Rate Review Mechanism for Atmos Energy, Mid-Tex Division –**

Jim Finley, City Attorney asked the Council to consider ATM's Special Counsel and the consultants engaged by ATM recommend that the City approve Atmos' RRM.

In 2008 the Atmos Texas Municipalities (ATM) approved the initial Rate Review Mechanism (RRM) for the Mid-Tex Division of Atmos Energy ("Atmos"). That RRM was in effect from 2008 and expired at the end of 2011. The RRM provides the ATM cities a process for reviewing Atmos' cost of service on an annual basis and is a substitute to the legislatively approved interim rate process at the Commission known as the Gas Reliability Infrastructure Program ("GRIP").

Beginning in 2011, ATM, through the law firm of Herrera & Boyle, PLLC and rate consultants retained on behalf of ATM, participated in a series of negotiations with representatives from Atmos Energy with the goal of arriving at a revised RRM. The revised RRM replaces all GRIP filings that Atmos would otherwise submit annually. The RRM minimizes the cost of review and avoids expenses associated with full rate proceedings. The RRM provides the City a meaningful opportunity to annually review Atmos' expenses and investments, whereas a GRIP filing focuses only on the incremental change in investments.

Note by approving the RRM this resolution, it would not impact rates at this time, but would instead establish the parameters of future RRM filings that Atmos would make beginning in July, 2013. Going forward, new rates would result from collaboration between Atmos and the cities it serves. Any changes in actual charges that Atmos and its cities agree to would be approved in future resolutions. The RRM would be in effect for a four-year period (2013-2017). The City needs to take action on the revised RRM no later than June 2013.

The following Resolution was approved:

**A RESOLUTION BY THE CITY OF LONGVIEW, TEXAS ("CITY"), APPROVING AND ADOPTING RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY.**

Such Resolution No. 4625 appears in the Resolution and Ordinance records of the City of Longview.

- D. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any documents with Lone Star Equipment Company, of Henderson, Texas, in the amount of \$697,000.00 for the construction of the 2013 Chip Seal Project –**

Keith Bonds, P.E. Director of Public Works asked the Council to consider a Resolution awarding a contract in the amount of \$697,000.00 to Lone Star Equipment Company of Henderson, Texas, for the construction of the referenced project. The following bids were opened on May 30, 2013:

Bidder	Amount
Lone Star Equipment Co. Henderson, TX	\$697,000.00
Reynolds and Kay Tyler, TX	\$868,330.00
NE-TEX Construction New Boston, TX	\$900,000.00
PR Parker Company Shreveport, LA	\$931,000.00

This is a part of our annual maintenance that consists of the asphalt seal coating of approximately 300,000 square yards of streets citywide. The streets were selected using the Pavement Management Program, which selects the streets needing annual maintenance based upon actual field investigation, testing data and according to the Pavement Management Policy as adopted by City Council.

Public Works has examined the bids and the qualifications of the low bidder, and recommends award of the contract to Lone Star Equipment Company in the amount of \$697,000.00.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LONGVIEW, TEXAS, ACCEPTING THE BID OF LONE  
STAR EQUIPMENT COMPANY, OF HENDERSON,  
TEXAS, FOR CONSTRUCTION OF THE PROJECT**

**ENTITLED "2013 CHIP SEAL"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND LONE STAR EQUIPMENT COMPANY FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4626 appears in the Resolution and Ordinance records of the City of Longview.

- E. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any documents with Haltom Construction of Marshall, Texas, in the amount of \$572,853.25 for the construction of the Sylvan Drive Drainage Improvements Project –**

Keith Bonds, P.E. Director of Public Works asked the Council to consider a Resolution awarding a contract in the amount of \$572,853.25 and authorizing the City Manager or his designee to execute any necessary documents with Haltom Construction of Marshall, TX, for the construction of the referenced project. The following bids were opened on May 30, 2013:

<u>Bidders</u>	<u>Proposed Amount</u>
Haltom Construction ion, Inc. Marshall, TX	\$ 572,853.25
Excel Utility Construction, Inc. Longview, TX	\$ 582,529.00
East Texas Bridge Longview, TX	\$ 702,700.00
Longview Bridge and Road Longview, TX	\$ 811,733.00



The scope of work includes the construction of 1,300 linear feet of storm drain pipe, box culvert, inlets, and related work at Sylvan Drive and miscellaneous work as necessary to complete the installation.

Hayes Engineering has examined the proposals and the qualifications of the low bidder, and recommends that the City award the contract to Haltom Construction of Marshall, TX in the amount of \$572,853.25.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF HALTOM CONSTRUCTION, OF MARSHALL, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "SYLVAN DRIVE DRAINAGE IMPROVEMENTS PROJECT"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND HALTOM CONSTRUCTION FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4627 appears in the Resolution and Ordinance records of the City of Longview.

- F. Consider a Resolution accepting the 2011 Water and Wastewater Improvements and authorizing final payment in the amount of \$48,133.76 to Excel Utility Construction, Inc., of Longview, Texas –**

Keith Bonds, P.E. Director of Public Works requested the Council to consider a Resolution accepting the 2011 Water and Wastewater Improvements Project and authorizing final payment in the amount of \$48,133.76 to Excel Utility Construction, Inc. of Longview, Texas. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to Excel Utility Construction, Inc., on June 14, 2012 in the amount of \$606,896.00. The final construction cost is \$593,742.60.

The scope of work includes the construction of 3,600 linear feet of 6" water main and related work at Jewel, Whaley, 1st, 7th, and Sandifer Streets; and 1,700 linear feet of wastewater main and related work at Pinebrook and Hughey; and miscellaneous work as necessary to complete the installations.

The project has been completed in accordance with the contract. The consultant, Wood Engineering recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS "2011 WATER AND WASTEWATER IMPROVEMENTS PROJECT"; AUTHORIZING AND APPROVING FINAL PAYMENT TO EXCEL UTILITY CONSTRUCTION, INC., OF LONGVIEW, TEXAS, FOR CONSTRUCTION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4628 appears in the Resolution and Ordinance records of the City of Longview.

- G. Consider an Ordinance authorizing the conveyance of tax foreclosure property known as 2.837 acres, more or less, situated in the Henry Hathaway Survey, Gregg County, Texas, as described in "Share 6" in partition decree dated September 17, 1971, styled Arthur Christian, Jr., et al vs. Linnin Mae Christian Tennison, et al, Cause No. 146-71-A, District Court, Gregg County, Texas for the cash sum of \$5,157.04 –**

Robert Ray, Assistant City Attorney asked the Council to consider the proposed Ordinance that would authorize the sale of a tax foreclosure property consisting of approximately 2.837 acres off of Graham Road in northwest Longview. The ordinance authorizes the sale of the property for the cash sum of \$5,157.04. This sum would pay all back taxes due on the property.

According to information on the Gregg County Appraisal District (GCAD) website, there are no improvements currently located on the property. GCAD information also indicates that the property was struck off to the City in 2008.

The following Ordinance was approved:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CONVEYANCE OF A CERTAIN TAX FORECLOSURE PROPERTY KNOWN AS 2.837 ACRES, MORE OR LESS, SITUATED IN THE HENRY HATHAWAY SURVEY, GREGG COUNTY, TEXAS, AND FURTHER DESCRIBED HEREIN, FOR THE CASH SUM OF \$5,157.04; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Ordinance No. 3873 appears in the Resolution and Ordinance records of the City of Longview.

- H. Consider a Resolution approving the submission of a grant application to the Office of the Governor, Criminal Justice Division, for a Juvenile Justice and Delinquency Prevention Local Juvenile Service Project grant in the amount of \$24,000.00 and authorizing the City Manager or his designee to negotiate and execute any related documents involving said office, the City of Longview, and/or Longview Teen Court, Inc. –**

Kimberly Lewinski, Executive Director of Longview Teen Court asked the Council to consider a Resolution approving the submission of a grant application to the Office of the Governor, Criminal Justice Division between Longview Teen Court, Inc. and the City of Longview in the amount of \$24,000 from the Juvenile Justice and Delinquency Prevention and local Juvenile Services Project Grant in order to provide services and

supplies to allow juveniles who have committed Class C misdemeanors the opportunity to defer their offense by attending an educational course and contributing to the community by performing community service.

The Office of the Governor did not approve of the City's wording; therefore, the original resolution was re-worded with their recommendations.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A JUVENILE JUSTICE AND DELINQUENCY PREVENTION LOCAL JUVENILE SERVICE PROJECT GRANT IN THE AMOUNT OF \$24,000.00 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE ANY RELATED AGREEMENTS OR OTHER DOCUMENTS INVOLVING SAID OFFICE, THE CITY OF LONGVIEW, AND/OR LONGVIEW TEEN COURT, INC.; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4629 appears in the Resolution and Ordinance records of the City of Longview.

**I. Consider a Resolution providing for appointments to the Longview Economic Development Corporation's Board of Directors –**

Mayor and City Council: The appointments are as follows:

**LEDCO Board of Directors**

Keith Honey	President (Appointment)
Lester Lucy	Vice President/Secretary
Steve Metcalf	(Reappointment)
Joe Bob Joyce	(Appointment)
Jim Kendrick	(Appointment)

**Ex Officio**

Phillip Ford	(Reappointment)
Dan Droege	(Appointment)
Dr. Julie Fowler	(Appointment)
Paul Stephenson	(Appointment)
Andrea Mayo	(Appointment)

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, PROVIDING FOR APPOINTMENTS TO THE LONGVIEW ECONOMIC DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.**

Such Resolution No. 4630 appears in the Resolution and Ordinance records of the City of Longview.

MOTION: Council Member Williams made a motion to approve the consent agenda.

SECOND: Council Member Frost seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Council Member Smith: I have a question on Item H on the Consent Agenda.

Mayor Dean: Mr. Finley, we have already voted on the Consent Agenda and Mr. Smith now has a question on item H.

Mr. Finley: Hopefully it is just informational and we can credit that out.

Council Member Smith: Haven't we already approved this at the last council meeting?

Mr. Finley: It is my understanding that there was some magic language the state wanted that was not included and so we had to satisfy the grant requirements. We had to go ahead and put the language that they wanted in. Language that deals with misuse of funds, that we return it in full. That was the main thing that was not in the last Resolution. It is just kind of a "do over".

## **VII. Zoning – Public Hearing Items**

- A. A Public Hearing will be held to consider application #Z13-05 filed by Jennifer Ogilvie requesting a rezone from Single Family (SF-2) to General Retail (GR) for Lots 5 and 6, Block 887A Judson Road Drive consisting of approximately 0.919 acres located at 1510 Judson Road – THIS ITEM REQUIRES A PUBLIC HEARING.**

Michael Shirley, AICP City Planner: A PUBLIC HEARING will be held consider application #Z13-05 filed by Jennifer Ogilvie requesting a rezone from Single Family (SF-2) to General Retail (GR) for Lots 5 and 6, Block 887A Judson Road Drive consisting of approximately 0.919 acres located at 1510 Judson Road.

Planning & Zoning Commission and Staff recommend approval.

The public hearing was opened.

The public hearing was closed.

MOTION: Council Member Frost made a motion the following Ordinance be approved:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 0.919 ACRES OF JUDSON ROAD DRIVE LOTS 5 AND 6, BLOCK 887A LOCATED AT 1510 JUDSON ROAD BE REZONED FROM SINGLE FAMILY (SF-2) TO GENERAL RETAIL (GR); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING**

**WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

SECOND: Council Member Williams seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance No. 3874 appears in the Resolution and Ordinance records of the City of Longview.

- B. A Public Hearing will be held to consider application #PD13-02 filed by SCI Construction, Inc. requesting to rezone the proposed Lot 6, Block 1 of the Hamptons consisting of approximately 5.40 acres from Planned Development General Retail-Mixed Use (PD11-07) to Planned Development for a Nursing Home located at 1154 East Hawkins Parkway – THIS ITEM REQUIRES A PUBLIC HEARING.**

Michael Shirley, AICP City Planner: A PUBLIC HEARING will be held to consider application #PD13-02 filed by SCI Construction, Inc. requesting to rezone the proposed Lot 6, Block 1 of The Hamptons consisting of approximately 5.40 acres from Planned Development General Retail-Mixed Use (PD11-07) to Planned Development for a Nursing Home located at 1154 East Hawkins Parkway.

Planning & Zoning Commission and Staff recommend approval.

Council Member Allen: Could you give us an idea where you think East Hawkins Parkway will continue through to Tryon Road?

Michael Shirley: It ties in on the southern tip. It is going to be on the south side. I believe there is a retention pond.

Council Member Allen: That area will be catering to people my age?

The public hearing was opened.

Bob Breedlove representing Brannon Corp. was present and available for questions.

The public hearing was closed.

MOTION: Council Member Frost made a motion the following Ordinance be approved:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 5.40 ACRES OF THE PROPOSED LOT 6, BLOCK 1 OF THE HAMPTONS LOCATED AT 1154 EAST HAWKINS PARKWAY BE REZONED FROM PLANNED DEVELOPMENT GENERAL RETAIL-MIXED USE (PD11-07) TO PLANNED DEVELOPMENT FOR A NURSING HOME (PD13-01); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

SECOND: Council Member Allen seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance No. 3875 appears in the Resolution and Ordinance records of the City of Longview.



## **VIII. Action Items**

- A. Consider a Resolution authorizing the City Manager or the City Manager's designee to negotiate and enter in to an agreement with Freese and Nichols, Inc., in the amount of \$224,989.00 for the development of the City of Longview Comprehensive Plan –**

Chuck Ewings, Assistant City Manager: One of the goals of city council is to develop a comprehensive plan for the City of Longview to develop and coordinate individual plans such as the Parks and Recreation Master Plan, the Future Land Use Plan, Transportation Plan, among others. The plan will include an implementation plan to ensure priority projects are developed and completed.

The intent is to do develop a unified approach to meeting long-term goals for municipal projects and services. The process includes appointing a Comprehensive Plan Advisory Committee that will guide the development of the plan and gather community input on the vision for Longview in the next 20 years.

The three phases of the plan are as follows:

1. Community Snapshot and Visioning
  - Task 1 Community outreach and public participation
  - Task 2 Community snapshot
  - Task 3 Identify vision, goals and objectives
2. Plans and Recommendations
  - Task 4 Future land use map
  - Task 5 Transportation and circulation
  - Task 6 Parks, Recreation and open space
  - Task 7 Neighborhood and community livability
  - Task 8 Annexation and growth management strategies
  - Task 9 Economic development strategies
3. Report, Implementation and Adoption
  - Task 10 Report and implementation plan
  - Task 11 Final adoption

Staff anticipates this project to be complete in 12 to 18 months.

A portion of the funding (\$50,000) is budgeted this year and the remaining cost will be appropriated over the next two fiscal years. Additionally, we anticipate utilizing funding provided by the Metropolitan Planning Organization for the Transportation Thoroughfare Plan.

Freese and Nichols, Inc. is a Texas company that has assisted hundreds of communities create similar plans.

Mayor Dean: So the length of the contract is for how long?

Chuck Ewings: We expect to last 12 to 18. As we go forward you can see that we have savings and we can finish the plans sooner than later.

Mayor Dean: The total amount would be at least two budget cycles?

Chuck Ewings: At least.

Council Member Williams: There will be community meetings conducted. Do you want to explain that a little?

Chuck Ewings: We will ask the Council to appoint an advisory committee. They will actually form a community plan to go forward and request input from the community. Hold public meetings and show what the ideas are and get feedback from the community.

Council Member Williams: How are those meetings going to be publicized so that people will be aware? Will they be in the paper?

Chuck Ewings: We will put it in the paper and in our water bill mail outs and Channel 5. We will use all avenues that we have to notify the community and ensure that they are there.

Council Member Williams: The advisory committee that you are referring to throughout this process that is the committee that we appoint as the City Council?

Chuck Ewings: Yes ma'am.

Mayor Dean: We need to bring the entire community together in a process to make sure that we are charting a course for the future for Longview. That is my interest for the longer term. We will be putting together a group of citizens to help up with this effort. With the Council's approval I would like to ask the former Mayor Roberts to chair this effort and help us as we move forward.

Council Member Allen: There are consultants who say that they want to come in and tell you how to run your business. Most of these people are not familiar with your business and they just come in and look at your financial statements and they try to joggle the numbers and try to tell you what you can do different. In the City government, it is a different situation. There is an industry of professionals that are looking into the future. Sometimes we don't look out forward enough and it is hard to

see the forest through the trees. It is a lot of money, a quarter of a million dollars. My question would be for Freese and Nichols – what is your background and what is your experience in this type of project that you are going to undertake for the City of Longview?

Clay Eberz from Freese and Nichols Tyler office: We have been in business since 1894. We have a large group that has been doing this for over 100 cities and our business is primarily in the state of Texas. One of our planners was responsible for your original Future Land Use map back in the 1970's. Our staff has been doing plans for the state of Texas for many years.

Council Member Frost: Future planning is important. This is a good time to do this for future planning for ten years from now and not just today.

Mayor Dean: Back in the day there were no plans. We annexed a number of areas of the City where they built houses on top of flood plains, on top of creek beds and what not and we are left now to deal with that. Part of a comprehensive plan is to try to prepare for the future so those types of incidents don't occur in the future.

Council Member Williams: I did my research on Freese and Nichols and I would like to acknowledge that you guys are one of the best. We hold you accountable and I trust that you will do a good job on our comprehensive plan because we have so much to look forward to in this community and so many missed opportunities. Thank you.

MOTION: Council Member Williams made a motion the following Resolution be approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE AND ENTER IN TO AN AGREEMENT WITH FREESE AND NICHOLS, INC., FOR CONSULTING SERVICES TOWARDS THE DEVELOPMENT OF A COMPREHENSIVE PLAN; SETTING THE AMOUNT OF THE COST TO NOT EXCEED \$224,989.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member Frost seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Resolution is No. 4631 and appears in the Resolution and Ordinance records of the City of Longview.

**B. Consider a Resolution authorizing the City Manager or the City Manager's designee to negotiate and enter in to an agreement with Freese and Nichols, Inc., in an amount not to exceed \$102,653.00 for the development of the Transit Pedestrian Access Plan –**

Chuck Ewings, Assistant City Manager: Longview Transit has been awarded a grant to develop a pedestrian access plan for three corridors served by transit. Mobberly Avenue, Fourth Street and Cotton Street corridors are high transit demand areas that lack adequate pedestrian facilities for transit customers. The plan will identify both facility improvements and service adjustments to better serve transit riders. The intent is to identify improvements that will provide safe and efficient access for pedestrians to the transit system along these corridors.

The plan development includes surveys and interviews of existing riders plus an environmental scan of the study corridors.

Freese and Nichols, Inc. (FNI), is a Texas company that has assisted hundreds of communities create similar plans. Part of the contract with FNI includes identification of funding sources to assist in the implementation of the plan.

This plan is 80% funded by a grant from the Texas Department of Transportation. The Longview Metropolitan Planning Organization will manage the planning process with the Public Transportation Advisory Committee proposed to serve as the steering committee for the plan development.

Council Member Allen: Just to clarify, this is just for a study, is this for any construction?

Chuck Ewings: Potentially. The \$102,000 just funds the study.

Council Member Allen: So the capital cost would be the actual construction cost.

Chuck Ewings: That would be the result of the study.

MOTION: Council Member Frost made a motion the following Resolution be approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE AND ENTER IN TO AN AGREEMENT WITH FREESE AND NICHOLS, INC., FOR CONSULTING SERVICES TOWARDS THE DEVELOPMENT OF TRANSIT PEDESTRIAN ACCESS PLAN; SETTING THE AMOUNT OF THE COST FOR THESE SERVICES TO NOT EXCEED \$102,653.00; PROVIDING FOR LOCAL MATCHING FUNDS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member Williams seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Resolution is No. 4632 and appears in the Resolution and Ordinance records of the City of Longview.

**C. Consider a Resolution renaming the Longview Transit Maintenance Facility to the Sidney Bell Willis Transit Facility –**

Mayor Dean: At the last meeting, I understand that there was quite a bit of concern from some of the neighbors on Sapphire. They had concerns about changing the name of that part of the street. There were several other proposals that were made. One was to change the name of the Broughton Park library. There were some concerns brought up that maybe that wasn't the best idea. A suggestion was made by Mr. Frost that she was very instrumental when we first started with the bus system in Longview. She was stern, steely eyed, determined and would not take no for an answer. She was very instrumental in getting this project here in Longview. In my opinion I think that it is very appropriate that Longview Transit's primary building is a perfect place to adorn her name in honor of Ms Willis.

Council Member Smith: Her name is going to be placed above the door at the facility?

Mayor Dean: They will put it where it will get the most visibility. The building has just been remodeled.

MOTION: Council Member Sims made a motion the following Resolution be approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, RENAMING THE LONGVIEW TRANSIT MAINTENANCE FACILITY TO THE SIDNEY BELL WILLIS TRANSIT FACILITY; AUTHORIZING THE CITY MANAGER OR THEIR DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE NAME CHANGE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member Frost seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Resolution is No. 4633 and appears in the Resolution and Ordinance records of the City of Longview.

#### **IX. Executive Session Item**

**A. Deliberations Regarding Real Property – Under Texas Government Code Section 551.072.**

**Consideration of the purchase and value of real property located in the A. R. Johnson Survey, City of Longview, Gregg County, Texas.**

**B. Consultation with Attorney – Under Texas Government Code Section 551.071.**

**Consider, discuss, and consult with the City's attorney(s) concerning a proposed developer's participation agreement involving the extension of Fourth Street.**

**X. Items of Community Interest**

Council Member Sims: I appreciate what we just did. We just can't do enough to honor Ms. Willis. I sincerely hope that family is proud of this.

Council Member Smith: I did get an opportunity to go to a seminar. That seminar was based on public engagement. It was a great seminar.

Council Member Williams: God bless Ms. Willis. I want to remind everyone to go out and enjoy the Juneteenth events that will take place at Broughton Park this weekend. The annual parade will be on Martin Luther King Boulevard starting from Pittman Street at 10:00 a.m., Saturday, June 15, 2013. There will be other activities that will take place around and inside the park. It is always a great time. For more information 903-237-1276.

Council Member Allen: I have my Certificate of Election on the May 11, 2013 election where I was re-elected for City Council Member District 6. I want to say thank you. I hold this certificate in very high regard. This will be my last term and I will do my best to represent the people in District 6.

MOTION: Council Member Williams made a motion to excuse Council Member Richard Manley.

SECOND: Council Member Frost seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Mayor Dean: Our next City Council meeting will be Thursday, July 11, 2013 at 5:30 p.m. We will not meet Thursday, June 27, 2013.

The 35<sup>th</sup> annual Kid's Fishing Rodeo will be held at 10:00 a.m. Saturday, June 22, 2013 at Teague Park Lake. Registration begins at 9:30 a.m. For more information, contact Partners in Prevention at 903-237-1019.

The 4<sup>th</sup> of July Fireworks and Freedom Celebration will be held at the Maude Cobb Activity Complex, including a concert, carnival rides, inflatables, food, vendors, and

more. Gates open at 2:00 p.m. and fireworks will be held at dark. Festival admission is free, individual tickets required for some events. For more information please call 903-237-1230.

## **XI. Adjourn**

The meeting was adjourned at 6:30 p.m.

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Shelly Ballenger  
City Secretary

